

REMARKS

Rejections Under 35 U.S.C. §101

Claims 17-20 and 29-33 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

With the present amendments, independent claims 17 and 29 have been amended to direct the claims to computer-readable media having stored thereon computer-executable instructions. As amended, each independent claim provides functional descriptive material that is recorded on a computer-readable medium. As such, it is structurally and functionally interrelated to the medium and is statutory since the use of technology permits the function of the descriptive material to be realized. In addition, both claims produce a useful, tangible and concrete result in that both claim display a meter on a display. Such displayed meters are not abstractions, but are concrete images that can be viewed by a user. As such, amended claims 17 and 29 and claims 18-20 and 30-33, which depend therefrom, claim statutory subject matter.

Rejections Under 35 U.S.C. § 112

Claims 1-16 and 21-28 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In particular, independent claim 1 was rejected for the inclusion of the term "near" which was asserted to be indefinite.

With the present amendment, claim 1 has been amended to remove the term "near" and to replace it with the phrase "so that at least a portion of the progress meter is less than the height of one text line away from." This limitation is supported by the specification in FIGS. 4G-4I, 5D, 6E, 7D, 8C and 9D, where progress meters are shown in a position such that at least a portion of the progress meter is less than the height of one text line away from an insertion area.

As amended, claim 1 distinctly claims the subject matter that Applicants regard as the invention such that one of ordinary skill in the art would be apprised of the scope of the invention. As such, independent claim 1 and the claims that depend therefrom are patentable under 35 U.S.C. §112, second paragraph.

Dependent claim 12 was rejected under 35 U.S.C. §112, second paragraph, for the inclusion of the phrase "somewhere between," which was asserted to be indefinite. With the present amendment, the term "somewhere" has been deleted from claim 12. As amended, claim 12 provides that a background rectangle appears between a base rectangle and a point at a full meter height above a bottom edge of the base rectangle. One of ordinary skill in the art would be reasonably apprised of the scope of claim 12 since it clearly defines the position of the background rectangle relative to the base rectangle. As such, amended claim 12 is definite.

Independent claim 21 was rejected under 35 U.S.C. §112, second paragraph, because the term "close to" was said to be indefinite. With the present amendment, the phrase "close to" has been deleted from claim 21. As amended, claim 21 now describes displaying a progress meter on the display so that a user can perceive both the progress meter and the volume meter without substantially moving their eyes. As amended, claim 21 apprises one of ordinary skill of the art of the scope of the invention. In particular, one of ordinary skill in the art will know whether they are infringing claim 21 based on whether they provide a progress meter on a display so that a user can perceive both the progress meter and a volume meter without substantially moving their eyes. As such, amended claim 21 is definite under 35 U.S.C. §112, second paragraph.

Conclusion

In light of the above remarks, and the amendments made to the claims, claims 1-33 are in form for allowance. Applicants note that this case has now been pending before the U.S. Patent and Trademark Office for over seven years. Applicants would like to resolve any further issues as quickly as possible so that the case may be moved to allowance. If the Examiner has further amendments that she believes would place the case in condition for allowance, Applicants would welcome an additional Examiner interview to discuss those amendments.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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